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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/809,384	03/15/2001	Masayuki Ishizaki	FUJG 18.434	5780

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KATTEN MUCHIN ZAVIS ROSENMAN
575 MADISON AVENUE
NEW YORK, NY 10022-2585

EXAMINER

SALTARELLI, DOMINIC D

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 02/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/809,384

Applicant(s)

ISHIZAKI ET AL.

Examiner

Dominic D Saltarelli

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3/15/01.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The abstract of the disclosure is objected to because line 7 contains the phrase "is disclosed", which should be removed. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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4. Claims 1 and 5-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Kay et al. (6,711,552).

Regarding claim 1, Kay discloses a two-way communication system (fig. 1) which provides program information to be distributed for a CATV subscriber from a program information provider in a predetermined broadcasting system through a CATV network (col. 3, lines 55-62), and returns return information from the CATV subscriber to the program information provider (col. 7, lines 25-47 and col. 7 line 2 – col. 8 line 26), comprising:

Return information reception unit (fig. 1, CTP 22), provided in a CATV center (fig. 1, distribution center 10) connected to the CATV network, for receiving the return information returned from the CATV subscriber (col. 8, lines 12-25);

Return information process unit (fig. 1, CCP 24), provided in the CATV center, for processing the return information received by said return information reception unit, and transmitting the information to the program information provider (col. 8, lines 12-25); and

Return information generation/transmission unit (fig. 1, STB 18), provided in a home of the CATV subscriber, for generating the return information, and transmitting the information to the CATV center (col. 8, lines 12-25).

Regarding claim 5, Kay discloses the system of claim 1, wherein said process performed on the return information by said return information process

unit is performing an aggregating process on the return information return from a plurality of CATV subscribers (col. 6, lines 48-58).

Regarding claim 6, Kay discloses the system of claim 1, wherein when an answer in a short time is requested (purchase are more requests are more urgent, col. 6, lines 23-35), said return information process unit transmits the return information itself to the program information provider (col. 6, lines 18-29, wherein the combined information is all provided by the user and is the return information itself, col. 8, lines 12-25).

Regarding claim 7, Kay discloses the system of claim 6, wherein said return information process unit transmits a result of processing the return information after completing transmission of the return information (the return information process unit transmits status information regarding placed orders to customers, col. 10 line 63 col. 11 line 22).

Regarding claim 8, Kay discloses the system of claim 1, wherein said program information provider is a public organization and said return information is an application for a service to be provided by the public organization (the program information provider is a cable or satellite television system which services a wide area of customers and provides a plurality of requested services, col. 3 line 56 – col. 4 line 14).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2-4, 12, 17, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kay in view of Harman et al. (5,960,411) [Hartman].

Regarding claim 2, Kay discloses the system of claim 1, but fails to disclose said processed performed on the return information by said return information process unit is adding supplementary information to the return information.

In an analogous art, Hartman teaches an electronic commerce system wherein received return information processed by a return information process unit has supplementary information added to it (col. 3, lines 31-66), providing a more secure means for customers to carry out e-commerce transactions (col. 3 line 66 – col. 4 line 3).

It would have been obvious at the time to a person of ordinary skill in the art to modify the system disclosed by Kay to include adding supplementary information to the return information in the return information process unit, as taught by Hartman, for the benefit of providing a more secure means for

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customers to carry out e-commerce transactions, as the supplementary information is sensitive customer information which is kept more secure by not transmitting it from the home to the program information provider during every transaction.

Regarding claim 3, Kay and Hartman disclose the system of claim 2, wherein said CATV center comprises a database storing contract information about the CATV subscriber for use in using the CATV network (Kay teaches an MSO database stores customer data that is associated with the unique set top identifier, col. 6, lines 58-67 and is used in billing regarding usage of the CATV network by users, col. 6, lines 9-29), and said return information process unit generates the supplementary information according to personal information contained in contract information about the CATV subscriber stored in the database (Hartman teaches stored personal information is added to complete an order, col. 3, lines 60-66).

Regarding claim 4, Kay and Hartman disclose the system of claim 2, wherein said return information process unit converts the return information input by the CATV subscriber in a simple format into the supplementary information in accordance with a detailed formation (Hartman, col. 3, lines 60-66).

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Regarding claim 12, Kay and Hartman disclose the system of claim 4, wherein a home of the CATV subscriber is provided with a program information reception unit for receiving the program information (Kay, fig 1, STB 18), a television set for displaying contents of the program information received by said program information reception unit (Kay, col. 4, lines 28-40), and a remote controller having a plurality of operation keys which can be operated with the contents of the program information displayed and viewed on the television set (Kay, col. 7 line 66 – col. 8 line 2), and said CATV subscriber inputs the return information by operating the plurality of operation keys provided on the remote controller with an input screen (Kay, col. 7 line 66 – col. 8 line 25) in the simple format displayed on the television set (Hartman teaches using a simple format for ordering, col. 3, lines 64-66).

Regarding claim 17, Kay and Hartman disclose the system of claim 12, wherein said generation/transmission unit has memory storing information about a plurality of simple formats (purchase screens, such as the quick buy tab, col. 7, lines 26-47, and the electronic buying guide, col. 8, lines 32-52) any of which can be selected (col. 7, lines 41-47 and col. 8, lines 32-42), and selectively displays contents on an input screen in each of a plurality of simple formats on the television set at an instruction from the CATV subscriber.

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Regarding claim 19, Kay and Hartman disclose the system of claim 4, wherein said detailed format is set by the program information provider and said system further comprises a detailed format collection unit, provided in the CATV center, for automatically fetching the detailed format having contents newly set by the program information provider (Hartman teaches the single click ordering system, usable in a television based system, is first established under control of the provider by the user filing out a form provided by the information provider which sets the detailed format, and is then retrieved later for subsequent orders, col. 6, lines 22-67).

7. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kay in view of Witty et al. (6,081,907) [Witty].

Regarding claim 9, Kay discloses the system of claim 1, but fails to disclose a public telephone line is used as an up line for transmission of the return information from said return information generation/transmission unit to the CATV center.

In an analogous art, Witty teaches utilizing a dial up modem to provide a back channel to content servers (col. 4, lines 44-59), especially useful when the content is delivered in a unidirectional manner (such as satellite television, col. 4, lines 44-46).

It would have been obvious at the time to a person of ordinary skill in the art to modify the system disclosed by Kay to include using a public telephone line

as an up line for transmission of the return information from said return information generation/transmission unit to the CATV center, as taught by Kay, providing a conventional and widely accessible means for up line transmission of return information in satellite television distribution systems (Kay teaches the distribution system is satellite, col. 3, lines 57-62).

8. Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kay in view of Bodeep et al. (5,528,582) [Bodeep].

Regarding claims 10 and 11, Kay discloses the system of claim 1, but fails to disclose a transmission line contained in the CATV network is used as an up line for transmission of the return information from said return information generation/transmission unit to the CATV center, and said return information is transmitted to the transmission line using a cable modem at a frequency higher than 770 MHz.

In an analogous art, Bodeep teaches placing upstream traffic in a cable television network on a high frequency band (around 1 GHz, as shown in fig 1), to reduce noise and increase upstream bandwidth (col. 1, lines 50-56).

It would have been obvious at the time to a person of ordinary skill in the art to modify the system disclosed by Kay to include a transmission line contained in the CATV network that is used as an up line for transmission of the return information from said return information generation/transmission unit to the CATV center, and said return information is transmitted to the transmission line

using a cable modem at a frequency higher than 770 MHz, as taught by Bodeep, for the benefit of providing a return path for return information in a cable television network (Kay teach the distribution system is cable, col. 3, lines 57-62) that is less susceptible to ingress noise and has higher available bandwidth.

9. Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kay in view of Horton (5,805,203).

Regarding claim 13, Kay discloses the system of claim 1, but fails to disclose a transmission timing designation unit for specifying a transmission timing for the return information corresponding to each of the plurality of CATV subscribers, thereby dispersing reception timings of the return information received by said return information reception unit.

In an analogous art, Horton teaches a transmission timing designation unit (fig. 1, Global Connection Manager 11) for specifying a transmission timing for the return information corresponding to each of the plurality of CATV subscribers (col. 3 line 65 – col. 4 line 17), providing efficient management of available bandwidth shared by multiple users (col. 1, lines 53-56 and col. 3 lines 15-30).

It would have been obvious, at the time to a person of ordinary skill in the art to modify the system disclosed by Kay to include a transmission timing designation unit for specifying a transmission timing for the return information corresponding to each of the plurality of CATV subscribers, thereby dispersing reception timings of the return information received by said return information

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reception unit, as taught by Horton, for the benefit of providing efficient management of available bandwidth shared by multiple users of the CATV system.

Regarding claim 14, Kay discloses the system of claim 1, but fails to disclose a path switch unit for selectively activating a plurality of paths through which the return information corresponding to each of the plurality of CATV subscribers is transmitted, thereby dispersing reception timings of the return information received by said return information reception unit.

In an analogous art, Horton teaches a path switch unit (fig. 1, TDM mapper 12) for selectively activating a plurality of paths through which the return information corresponding to each of the plurality of CATV subscribers is transmitted (utilizing receive frame 27, col. 3 line 65 – col. 4 line 17), providing efficient management of available bandwidth shared by multiple users (col. 1, lines 53-56 and col. 3 lines 15-30).

It would have been obvious, at the time to a person of ordinary skill in the art to modify the system disclosed by Kay to include a path switch unit for selectively activating a plurality of paths through which the return information corresponding to each of the plurality of CATV subscribers is transmitted, thereby dispersing reception timings of the return information received by said return information reception unit, as taught by Horton, for the benefit of providing

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efficient management of available bandwidth shared by multiple users of the CATV system.

10. Claims 15 and 16 rejected under 35 U.S.C. 103(a) as being unpatentable over Kay.

Regarding claims 15 and 16, Kay discloses the system of claim 1, but fails to disclose a predetermined additional rate is set corresponding to a service of processing the return information by said return information process unit, and the additional rate is collected from the CATV subscriber or program information provider who receives the process service.

Examiner takes official notice that it is notoriously well known in the art to charge customers for the provision of additional, exclusive, or premium services in CATV systems, such as the fee charged to customers for the use of premium services in addition to basic programming or the fees charged to CATV providers who act as middlemen for incorporating advanced services into their programming packages. Examples of such services include video on demand and pay per view services for which customers are charged additional fees for using, and the licensing fees CATV providers pay for incorporating advanced services, such as electronic programming guides.

It would have been obvious at the time to a person of ordinary skill in the art to modify the system disclosed by Kay to include a predetermined additional rate is set corresponding to a service of processing the return information by said

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return information process unit, and the additional rate is collected from the CATV subscriber or program information provider who receives the process service, for the benefit of providing economic incentive for providing the process service.

11. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kay and Hartman as applied to claim 3 above, and further in view of Von Kohorn (5,227,874).

Regarding claim 18, Kay and Hartman disclose the system of claim 3, wherein said return information generation/transmission unit generates the return information containing first identification information specifying the CATV subscriber (client identifier, Hartman, col. 3, lines 46-51), but fail to disclose said personal information contains information about a family configuration of the CATV subscriber, said return information generation/transmission unit generates the return information containing second identification information specifying a member of the family of the CATV subscriber, and said return information process unit generates the supplementary information according to the first and second identification information contained in the return information.

In an analogous art, Von Kohorn teaches including personal identification codes which identify members of a family in a particular household when sending upstream communications in an interactive television system (col. 105, lines 53-65), providing the benefit of collecting demographic information regarding the habits and desires of individual members of the household in addition to

providing targeted and specific services based upon the member of the household using the interactive service (col. 105 line 66 – col. 16 line 29).

It would have been obvious at the time to a person of ordinary skill in the art to modify the system disclosed by Kay and Hartman to include said personal information contains information about a family configuration of the CATV subscriber, said return information generation/transmission unit generates the return information containing second identification information specifying a member of the family of the CATV subscriber, and said return information process unit generates the supplementary information according to the first and second identification information contained in the return information, as taught by Von Kohorn, for the benefit of collecting valuable demographic data regarding members of a particular household and further providing targeted services based upon identified members of a family.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Nakano et al. (US 2002/0055847 A1) who teaches remote storage of billing information, requiring users to only enter a limited amount of information when making electronic purchases.

13. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in

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such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

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Certificate of Mailing

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Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

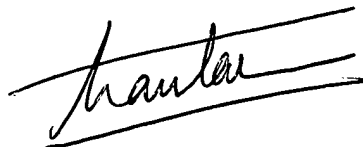
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dominic D Saltarelli whose telephone number is (703) 305-8660. After 2/28/2005, the examiner's telephone number will be (571) 272-7302. The examiner can normally be reached on M-F 10-7.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on (703) 305-4755. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DS

Dominic Saltarelli
Patent Examiner
Art Unit 2611

A handwritten signature in black ink, appearing to read "HAITRAN", is written over two horizontal lines.

**HAITRAN
PRIMARY EXAMINER**